

## REMARKS

The rejection of claims 2 and 5 under 35 USC 103(a) as being unpatentable over Yoshida et al (5,764,610) in view of Ito et al (6,243,340) is respectfully traversed.

Claims 2 and 5 have again been amended to make it clear that the designated directory name identifies if the DVD is a DVD-video. Stated otherwise the disc of the DVD-video is identified by the directory whose name is VIDEO\_TS or AUDIO\_TS. Hence, in the present invention, it is determined whether or not a file having as file name other than VIDEO\_TS or AUDIO\_TS exists in the root directory file descriptor and, if such file does exist, then the loaded DVD is determined to be a DVD-ROM and so the playback speed is not restricted and the process terminates. If, on the other hand, a directory having a name other than VIDEO\_TS or AUDIO\_TS does not exist, then it is known that the loaded DVD does not have to protect information for the CPS\_TY, RMA, and the loaded DVD is a DVD on which no computer has been recorded. As a result, with respect to a read command from an upstream device in step S18 the playback speed is restricted to a transfer rate that the upstream device requires in order to obtain video data.

The disc drive unit as defined in claims 2 and 5 has again been amended to be even more specific concerning its operation to identify if the DVD is a DVD-video as explained above. This is entirely different from the operation disclosed in either Yoshida or Ito et al.

The attempt of the Examiner to combine Yoshido and Ito is based upon using applicants claimed invention as a guide which is contrary to 35 USC 103. There is simply no basis for the playback speed control unit of Yoshido to operate as defined in claims 2 and 5 as now amended.

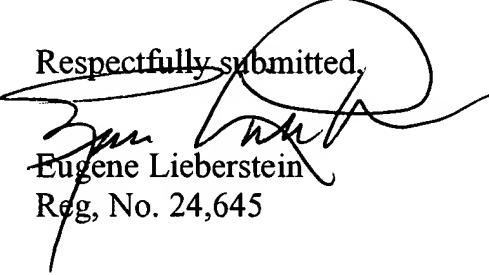
Applicant acknowledges that claims 1,3,4 and 6 are allowed.

Should the Examiner still have some objection regarding the wording of claims 2 and 5 as now amended the Examiner is requested to telephone the undersigned to see if the

language can be further modified in a manner acceptable to the Examiner to clearly differentiate the processes of the subject invention from that cited in the prior art patent references.

Reconsideration and allowance of claims 1-6 is respectfully solicited

Respectfully submitted,



Eugene Lieberstein

Reg. No. 24,645

Customer # 01109  
ANDERSON, KILL & OLICK  
1251 Avenue of the Americas  
New York, New York 10020-1182  
(212) 278-1000

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on March 07, 2006.

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Dated:

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